

REMARKS

This Amendment is submitted in response to the Office Action dated February 26, 2004.

Specification

The Office Action objected to the disclosure because of several typographical and syntax errors. Appropriate corrections have been made and Applicant respectfully requests the Examiner's acceptance of these changes.

Claim Objections Under 37 C.F.R. §1.75(c)

The Office Action objected to claims 2, 20, 27 and 44 as being of improper dependent form failing to further limit the subject matter of a previous claim. However, each claim does further limit the subject matter of the claim from which it depends. For example, claim 1 recites that the angular range comprises at least 360°, but does not limit the upper bound of the range. Amended claim 2 recites an upper bound of 1800°. Thus, claim 2 further limits the subject matter of claim 1. Similarly, claims 20, 27 and 44 further limit the subject matter of the claims from which they depend. Therefore, Applicants respectfully request notice of the withdrawal of these rejections under 37 C.F.R. §1.75(c).

Claim Rejections Under 35 U.S.C. §112

The Office Action rejected claims 1, 2, 11, 19, 20, 27, 41, 42, 44, 49 and 50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With respect to claim 1, Applicant has amended the claim to change the recitation of "a drive mechanism for the drill is connected to the ground" to "a drive mechanism for the drill is connected to the tube" in accordance with the Examiner's suggestion. With respect to claim 19, Applicant has amended the claim to change the recitation of "connections for connecting the ground to a drive mechanism for a drill" to

“connections for connecting the tube to a drive mechanism for a drill” in accordance with the Examiner’s suggestion. Therefore, Applicant respectfully requests withdrawal of the rejections of claims 1 and 19 under 35 U.S.C. §112.

Claim 11 has been amended to recite a second preselected angular range which is distinct from the angular range of claim 1. Thus, Applicant respectfully requests notice of the withdrawal of the rejection of claim 11 under 35 U.S.C. §112.

Claims 2, 20, 27 and 44 have been amended to recite only one angular range of rotation. Therefore, Applicant respectfully requests notice of the withdrawal of the rejection of claims 2, 20, 27 and 44 under 35 U.S.C. §112. Claims 11, 41, 42, 49 and 50 have similarly been amended to recite only one value for the claimed range or limitation. Claims 3 and 28 have been similarly amended. Therefore, Applicant respectfully requests withdrawal of the rejections of claims 3, 11, 28, 41, 42, 49 and 50 under 35 U.S.C. §112.

Allowable Subject Matter

The Office Action indicates that claims 26, 28-40, 43, 45-48, 51 and 52 are allowed. The Office Action further states that claims 3-10, 12-18 and 21-25 are objected to as being dependent upon a rejected base claim. Claims 3-10 and 12-18 depend from claim 1, which has been amended into allowable form, as discussed above. Claims 21-25 depend from independent claim 19, which also has been amended into allowable form, as discussed above. Because independent claims 1 and 19 have been amended in accordance with the Examiner’s suggestions, they are allowable, as are their dependent claims 3-10, 12-18 and 21-25. Therefore, Applicants respectfully request notice of the allowability of claims 3-10, 12-18 and 21-25.

New Claims

Applicants hereby present new claims 53-71 for the Examiner’s consideration. Claims 53-57 depend from claims 11, 41, 42, 49 and 50 respectively, and further recite that the

corresponding preselected angular range of rotation includes less than 180° . No new subject matter is presented thereby, and notice of the allowability of claims 53-57 is respectfully requested.

Claims 58 and 59 depend from claims 3 and 28, respectively, and further recite that the time needed to complete two consecutive alternating angularly opposite rotating movements is at least 20 seconds. No new subject matter is presented thereby and notice of the allowability of claims 58-59 is respectfully requested.

New claim 60 is similar to claim 11, except that the series of alternating, angularly opposite, rotating movements is preceded by a second series of such movement. This subject matter is fully supported by the original specification at page 4, lines 24 - 30; the content of the first and second angular ranges are free to be assigned in accordance with any of the ranges disclosed. Therefore, no new matter is introduced by the claims and Applicant respectfully requests notice of the allowability of claim 60.

New claim 61 depends from claim 60 but further recites that the second preselected angular range of rotation includes less than 180° . Notice of the allowability of claim 61 is respectfully requested.

New claim 62 depends from claim 19 and recites that the control means is further arranged to perform a second series of alternating, angularly opposite, rotating movements within a second preselected angular range including less than 360° . New claim 63 depends from claim 62 and further recites that the second preselected angular range of rotation includes less than 180° . This subject matter is fully supported by the original specification at page 9, lines 3-26, for example. Applicant respectfully requests notice of the allowability of new claims 62 - 63.

New claim 64 depends from claim 2 and further recites that the angular range of rotation is preselected to comprise less than 1080° . New claim 65 depends from claim 64 and further recites that the angular range of rotation is preselected to comprise less than 720° . New claims 66-67, 68-69 and 70-71 are similar to claims 64-65 but depend from claims 20, 27 and 44, respectively. Notice of the allowability of claims 64-71 is respectfully requested.

CONCLUSION


In view of the foregoing, Applicant respectfully submits that all pending claims 1-71 are in condition for allowance and respectfully request notice to that effect.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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